

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2824

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval Senate Bill No. 2824, entitled "A Bill for an Act Relating to Procurement."

The purposes of Senate Bill No. 2824 are to: (1) remove the voting powers of the Comptroller and the county employee as members of the State Procurement Policy Board; (2) require the Board to annually audit a minimum of two executive departments, divisions, or agencies for compliance with chapter 103D, Hawaii Revised Statutes; and (3) require the Legislative Auditor to conduct a compliance, performance, and management audit of the State Procurement Office and the executive branch of the State to determine compliance with chapter 103D.

This bill is objectionable because by removing the voting rights of the Comptroller and the county employee who sit as members of the State Procurement Policy Board, this bill denies the State and county government from fully participating in the decisions of the Board and deprives the State and county government of full representation. The other five members of the Board are specifically designated by law not to be full-time State or county employees, provided that one member must be a certified professional in the field of procurement. There does not seem to be a basis to remove the voting rights of the Comptroller, whose department is responsible for procurement and

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who oversees the State Procurement Office. Depriving the counties of a voice on the Board is counter to homerule and erroneously presumes their contributions are irrelevant to the successful functioning of this body.

Given the public attention paid to government procurement, the goal of the State Procurement Code (chapter 103D, Hawaii Revised Statutes) to provide transparency in State and county procurements, and the public's concern that the Legislature exempts itself from laws requiring its decision-making to be more transparent, such as the Sunshine Law (part I of chapter 92, Hawaii Revised Statutes), this bill is ill-conceived by requiring the Auditor to determine procurement compliance by the State Procurement Office and the executive branch, but not of the judicial and legislative branches.

For the foregoing reasons, I am returning Senate Bill No. 2824 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'Linda Lingle', written in a cursive style.

LINDA LINGLE
Governor of Hawaii